

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

LEROY TOWNSEND,

Petitioner,

v.

**CIVIL ACTION NO.: 3:17-CV-44
(GROH)**

STEVEN KALLIS, Warden,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation ("R&R") of United States Magistrate Judge Robert W. Trumble. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued his R&R [ECF No. 10] on December 7, 2017. In the R&R, he recommends that the Petitioner's § 2241 petition [ECF No. 1] be denied and dismissed without prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91,

94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the Petitioner being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The R&R was mailed to the Petitioner on December 7, 2017. The Petitioner accepted service on December 11, 2017. Accordingly, objections were due on December 28, 2017. To date, no objections have been filed. Thus, this Court will review the R&R for clear error.

Upon careful review and finding no clear error, the Court **ORDERS** that Magistrate Judge Trumble's Report and Recommendation [ECF No. 10] is hereby **ADOPTED** for the reasons more fully stated therein. Accordingly, the Petitioner's § 2241 Petition [ECF No. 1] is **DENIED** and **DISMISSED WITHOUT PREJUDICE**. This matter is **ORDERED STRICKEN** from the Court's active docket. The Clerk is **DIRECTED** to transmit copies of this Order to all counsel of record herein and the *pro se* Petitioner.

Because the Petitioner is a federal prisoner seeking relief through a 28 U.S.C. § 2241 petition, the Court makes no certificate of appealability determination in this matter.

DATED: January 9, 2018



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE